

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, MARCH 16, 2010**

The City Council of the City of Leon Valley, Texas, met on the 16th day of March 2010 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City Manager Lambert, City Secretary Feutz, Economic Development Director Ryan, Fire Chief Irwin, Assistant Director of Public Works Stolz, and City Attorney McKamie were also present.

Mayor Riley led the assembled group in reciting the Pledge of Allegiance.

Presentation of Employee of the Month (City Manager Lambert).

City Manager Lambert announced the Employee of the Month for March 2010 was Sherry Watson from the Leon Valley Public Library. Mr. Lambert commended Ms. Watson for her excellent work ethic, her willingness to lend her artistic talents, her work to install fifteen new computers in the library with appropriate software. Mr. Lambert noted that Sherry's conceptual art work of the library annex became a reality with the help of the Public Works Department.

Carol Poss, President of the Friends of the Library also commended Sherry for her dedication and work for the City.

Following the presentation of the Employee Excellence Coin to Ms. Watson, the audience gave her a standing ovation.

Proclamation honoring the 100 Monkey Club on their 5th Anniversary (Mayor Riley).

Mayor Riley presented a proclamation to Nancy Marin for her vision and her work to develop the 100 Monkey Club. She congratulated Ms. Marin and all the 100 Monkey Club members on the Club's fifth anniversary. Mayor Riley noted that the Club was a grassroots effort to reach out to all ages of people to promote a healthier lifestyle that would help to prevent Type 2 Diabetes and childhood obesity.

Proclamation declaring the week of March 21 - 27, 2010 as "Going Bananas for Health Week" in Leon Valley (Mayor Riley).

Mayor Riley also proclaimed the week of March 21 - 27, 2010 as "Going Bananas for Health Week" and she encouraged everyone to have fun doing health activities that can promote better living such as eliminating sugar sweetened sodas and drinks, getting 150 minutes of fun physical activity each week, limited screen time to two hours per day, and eating five or more servings of fruits and vegetables each day. Mayor Riley presented the proclamation to Nancy Marin founder of the 100 Monkey Club.

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Ms. Marin thanked the Mayor for the proclamations and explained how she wanted to make a difference and help people realize that they could have fun and be health too. She also gave a short history of how the 100 Monkey Club became a reality and thanked everyone for their participation.

Presentation of Annual Status Report from the City Park Commission (Thomas/Vick).

Public Works Director Vick invited Council and the public to attend the monthly Park Commission's meetings held at 7:00 p.m. each month, usually in the Council Chambers. He introduced the City Park Commission Bert Thomas who presented an overview of the past year's activities in the park.

Commissioner Thomas highlighted plans for trail extensions, a bridge to make the park ,more accessible off Poss Road, a seniors' fitness centers, and a goal to beautify our park. He explained that the trail extension grant was not successful, but would be resubmitted to extend the existing trail systems 1200 feet from Forest Meadows to Forest Ridge and Senecca and Evers toward Evening Sun and 100 feet of trail from Handsome Lake to Red Jacket to lead into the natural area. He stated that the new regulations to have the bridge cross over Huebner Creek made that project not possible, but improvements were made so that wheelchairs could access the park from the library parking lot with a ramp to enter the park from Evers Road. Commissioner Thomas also explained the plans for the future senior fitness stations to be installed behind the Community Center. Mr. Thomas reported on losses of trees due to weather stresses and he stated that the Commission plans to replace some trees, and with beautification plots in the park. He explained that future plots could be developed and maintained by groups of businesses or citizens to help beautify the park. He suggested that a "Friends of the Park" might be developed to provide extra funds to make park improvements in the future. Commissioner Thomas announced that the Park Commission's beautification project would be planted first as an example of what can be done.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Councilman Reyna asked that Item # 9 - for M&C # 03-01-10 involving the slurry seal contract be pulled for further discussion. Hearing no further objections, Mayor Riley asked if anyone in the audience wished to speak for the "Citizens to the Heard" portion of the meeting.

Resident Cameron Stahl or 6002 Forest Bend and Connor Sinclair of 6310 Stirrup Lane addressed Council asking for assistance in understanding the City's noise restrictions that would help them with band practices held in Mr. Stahl's family's garage at 5:00 p.m.. Mr. Stahl asked how he can play his music and remain within the law of Leon Valley as a complaint had been filed. Police Chief Wallace stated that he would review the noise ordinance regulations to Mr. Stahl.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve Consent Agenda items 7 and 8:

Consent Agenda

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Consider action to approve minutes of the Regular City Council Meeting of March 1, 2010, Special City Council Meeting of March 5, 2010, and Special City Council meeting of March 8, 2010. (Feutz).

Consider action on Ordinance appointing a member to the City Park Commission - Linda Tarin (Mayor Riley).

A motion was made by Councilmember Nelson , seconded by Councilmember Baldrige, to approve the consent agenda items as listed above. Upon unanimous vote, Mayor Riley announced the Consent Agenda items were approved.

Action Agenda

Consider action on M&C # 03-03-10 - a request to amend the contract with Viking Construction for the FY 2009 Bitumous Slurry Seal Contract, originally approved by Council on March 1, 2010. This would increase the contract an additional 25% of the original contract value for a total contract of \$275,671.99 (Vick).

Councilman Reyna asked for clarification on the contract extension. Public Works Director Byron Vick addressed explaining that the contract awarded at the last meeting to Viking Construction, was going to cost the City about \$0.05/square yard less than original estimates so staff was asking to use the balance of the money planned for this project to extend the amount of work that could be done this year under an extension to the original project to complete the goal of 5 miles per year for the street maintenance program. Mr. Vick explained that \$300,000 was budgeted, and with the 25% extension of the original project, the program was still under budget. Mr. Vick stated that they expected the start of the street maintenance program to begin in mid-April, after the Spring Clean Up is finished.

City Manager asked that the street maintenance maps be put on the City's website to illustrate the street maintenance sales tax at work for our citizens.

A motion was made by Councilmember Baldrige, seconded by Councilman Dean, to approve the request to amend the FY 2009 Bitumous Slurry Seal Contract, originally awarded on March 1, 2010 to Viking Construction. Upon unanimous vote, Mayor Riley announced the motion carried.

Public Hearing to Consider Non-Specified Use Case #2010-001, with attached ordinance, a request by Jerry Arredondo, applicant, to include the use "Carwash-Custom Enclosed Tunnel," and its definition in Chapter 14, "Zoning," Section 14.02.381, "Permitted Use Table," in the B-2 (Retail) and B-3 (Commercial) zoning districts within the Sustainability Overlay (Flores). On February 23, 2010, the Zoning Commission recommended approval of the inclusion of the use CARWASH-CUSTOM ENCLOSED TUNNEL and its definition as proposed by the applicant with a Specific Use Permit requirement in the B-2 (Retail) and B-3 (Commercial) zoning districts within the Sustainability Overlay by a vote of 5-2.

Mayor Riley read the agenda item title aloud.

A. Staff Presentation and Public Hearing.

Community Development Director Flores addressed Council stating that the request

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being considered was from applicant Jerry Arredondo to add the use "Carwash- Custom Enclosed Tunnel" in B-2 (Retail) and the B-3 (Commercial) zones to the Permitted Use Table of the Zoning Code in the Sustainability with a definition "A facility which utilizes a combination of machinery and non-machinery methods to wash, clean, and dry automobiles and incorporates design features in character with the surrounding area." Ms. Flores provided an overview of the use "carwash" in Leon Valley allowing "carwash-automatic" in B-3 (Commercial) and I-1(Industrial) zones and the use "carwash-self-service" in B-2 (Retail) zones with a Specific Use Permit (SUP) and in B-3 (Commercial) and I-1 (Industrial) zone without a SUP and all with a vacuum requiring a 50-foot setback when bordering residential-zoned properties. Ms. Flores informed Council of the options they could consider in this Non-Specified Use process and reminded them that if the use and definition are recommended for inclusion in the Code, it is applicable city-wide. Ms. Flores showed maps to illustrate the areas that could be included for this use if the requested zoning change is approved by Council. She stated that carwashes are not allowed within the overlay district now; therefore, even if the candidate rezoned to a B-3, the use would not be permitted under the current zoning ordinance.

Zoning Commission Chair Guerra reported that on February 23, 2010, the Zoning Commission recommended approval of the use "Carwash-Custom Enclosed Tunnel", and its requested definition in the B-2 (Retail), and B-3 (Commercial) zoning districts within the Sustainability Overlay zone only with a Specific Use Permit by a vote of 5 to 2. He reported that the Commission gave considerable discussion to this request and considered that this use was proposed for a location that is the gateway to the new overlay district in Leon Valley and he reminded them that automatic carwashes are not now allowed in any B-2 zones and reported to Council on comments from the Zoning Commission's meeting.

Councilmember Nelson asked why a carwash would want to locate within 0.7 mile from another enclosed car wash and only 0.1 mile from a self-service car wash. Ms. Flores answered a question from Council that we have five carwashes in Leon Valley and explained that Zoning Commission added the requirement for a Specific Use Permit on this use in B-2 and B-3 zoned properties, but the applicant had not asked for a Specific Use Permit to be added

Councilmembers discussed what options they could consider to allow a use that would bring a facility valued at \$2.5 million to the City including changing the boundaries of the overlay district.

Mayor Riley opened the public hearing at 8:00 p.m and invited anyone from the audience to address Council on the case.

Jerry Arredondo, applicant, addressed Council stating that he believed all the controls that would be needed are already included in the overlay district requirements and he asked that Council not include a Specific Use Permit on this use. He explained some of the features of his proposed facility, such as recycled water, and state of the art construction, and he told the Council that he was willing to work with them to make this project a success.

Hearing no one else, Mayor Riley closed the public hearing at 8:11 p.m.

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B. Council to consider action on request and ordinance.

Councilmembers discussed their concerns with any approval of the use. Councilman Reyna asked for more information on the long-term effects of adding this use and the effects of changing the sustainability overlay district borders and he also asked if there was any way under the law that this request could be done without opening the door for others in this use to also come in. Councilmembers also expressed their desire to hear from Halff and Associates to learn why the use was excluded from the overlay district which the Council had just approved in December 2009.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to table action on the request until April 6, 2010 to allow staff to further study the request and to receive input from Halff and Associates on why this use was not included in the sustainability district. Mayor Riley asked for a roll call vote and the vote was as follows: Councilmembers Garcia, Reyna, Baldrige, Dean, and Nelson voted for the motion; none voted against the motion. Mayor Riley announced the motion carried and action on the request was tabled to April 16, 2010.

Consider action on M&C # 03-04-10 with attached ordinance - a request to approve a budget adjustment to pay for repairs requested by the Leon Valley Community Association President which will require a budget adjustment of \$40,000.

Councilmember Nelson announced before this case was discussed that she was abstaining from any voting on this agenda item as she was a member of the Leon Valley Community Association.

A. Presentation by Leon Valley Community Association of their 2009 Annual Financial Report of the City's pool facility at 6600 Strawflower (G. Nelson)

Resident and Leon Valley Community Association President Gail Nelson addressed Council providing an annual report of the pools revenues and expenses and of the Leon Valley pool operations. He reported a total revenue of \$22,070.95 and expenses of \$21,294.55. Mr. Nelson informed Council that both he and his Vice President are certified pool and spa operators and all the Board members are certified in CPR and one is an instructor. He noted that the Board members and he and his Vice President serve in a volunteer basis and as manager of the twenty-year old pool, but repairs are needed to continue to offer this neighborhood amenity in Leon Valley.

Mr. Lambert reported that grants researched to fund this expense will not be available to Leon Valley to make these 2010 repairs as hoped.

B. Presentation of bids received for the repairs requested (F. Stolz)

Assistant Public Works Director Stolz presented information on the bid received from C and B Pools for \$36,900 and from River City Pool Service for \$41,520. Mr. Stolz requested a budget adjustment of \$40,000 to provide funding for replastering and painting to repair a major crack in the pool. He reviewed the list of repairs that were needed and to be included in the scheduled project. Mr. Stolz stated that six historically underutilized vendors were contacted, but no reply was received.

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C. Council considers action to approve repair contract and any associated budget adjustment (Lambert).

Bidder William Berryhill addressed Council stating that his submitted bid carried a one-year warranty and is standard to the industry. He estimated a 15-18-year life expectancy of plaster work and then detailed for Council the work that would be done under his bid work to be in compliance with ADA requirements. Mr. Berryhill assured Council that the work could be completed in time for this year's pool season.

Following discussion, a motion was made by Councilmember Baldrige, seconded by Councilman Dean, to approve the award the bid as requested to C and B Pools and a budget adjustment for \$40,000. Upon vote, Mayor Riley announced the request approved with four votes in favor of the motion and one abstention from Councilmember Nelson.

Consider action on M&C # 03-05-2010 - a request to allow the Earthwise Living Committee to hold a Texas Rainfall Catchment Workshop for the public on May 1, 2010 at the Leon Valley Conference Center and to waive all use fees for this meeting (Mayor Riley).

Mayor Riley explained that the Earthwise Living Committee requested the use of the city's Conference Center to hold a public workshop on rainwater catchment barrels. She explained that 28-30 persons signed up for the event at the 21st Annual Earthwise Living Day event. She asked Council to waive the fees and deposits so that this public education seminar could be held.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the request to waive all use fees for this meeting. Councilman Reyna asked if Council was going to allow all City committees to ask for fee waivers for use of the centers. Mayor Riley stated that in the past Council has considered each request on its own merit. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C # 03-06-10 with attached Resolution - a request by the Leon Valley Economic Development Corporation (LVEDC) to approve the following:

A. A cost share of 50/50 split between the City and the Leon Valley Economic Development Corporation (LVEDC) for a professional consulting services agreement with Buxton Company to support LVEDC business development projects, and

Leon Valley Economic Development Corporation Chairman Davis addressed Council asking for their financial support for an important economic development tool. He explained that Buxton's professional consulting services agreement would greatly assist with business attraction and retention and provide access to specific analytical and marketing tools that are need to attract new retailers in Leon Valley's new and redevelopment site. He reviewed some of the projects that could benefit from the Buxton information. He stated that the LVEDC is seeing approval of their expenditure of more than \$10,000, as required by law, for the City to assist with a 50% cost share of the \$60,000 for the contract.

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Economic Development Director Ryan informed Council that she has spoke to New Braunfels and El Paso representatives, who are also customers of Buxton, and she reported that both cities gave good recommendations.

Councilmember Nelson asked how the annual \$12,000 annual expenses would be handled. Ms. Ryan stated that the LVEDC would come back in the 4th quarter of the first year of this contract to ask Council for continuance of this contract and any payment considerations.

- B. A resolution approving an expenditure of LVEDC funds of more than \$10,000, and** City Attorney Onion clarified that state statute requires Council action for any expenditure for more than \$10,000; therefore, Council is required to approve or deny the expenditure request.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson, to approve the resolution approving and authorizing the Leon Valley Economic Development Corporation (LVEDC) to make an expenditure of more than \$10,000 as requested. Upon unanimous vote, Mayor Riley announced the motion carried.

- C. An expenditure from the Council/Manager FY 2010 budgeted funds for economic development contingencies in the amount of \$30,000.**

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve payment in the amount of \$30,000 from the City Council/Manager FY 2010 budgeted funds earmarked for economic development contingencies as the City's share of the first year's 50% cost split of the proposed agreement with Buxton Company. Upon vote, Mayor Riley announced it was approved unanimously.

Mr. Lambert announced that the analytical information will be used at the ICSC conference in Las Vegas in May to hopefully attract some businesses to Leon Valley and he reported that Mayor Riley and Rose Ryan would be attending.

Discussion Agenda

City Manager's report.

Mr. Lambert complimented the Public Works staff and invited the City Council to go by and see the improvements made at the Library Annex; it shows marked improvement.

- A. Monthly financial report and department reports for February 2010.** City Manager Lambert reminded Council that they had disks with their Monthly reports from the departments. He reported that the audit of Time Warner Cable franchise fees is estimating a return of \$29,000, but he reminded Council that it cost \$10,000 for the audit. Mayor Riley asked that the ceiling tiles in the Conference Center be replaced.

Mr. Lambert reviewed the February 2010 revenue and expense reports for the General Fund, Water and Sewer Fund, Community and Conference Center Funds, and the Street Maintenance Sales Tax, Trade and Market Days Funds. He reported that we are only down about sales tax \$1,000 from where we were last year at this same time, but

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most all other expenses are where he would expect at this point in the budget year. He reported that tapping fees and water sales are down as compared with FY 2009 and that rental are down slightly from last year. He stated that there is about \$600,000 in Street Maintenance Sales Tax in the bank and they expect to spend \$300,000 this year. He also reported that last weekend's Trade and Market Day had a good crowd

Councilmember Nelson asked if Council could hear about why there were no reported Trade and Market Days Committee meetings since September 2009.

B. May 8, 2010 General Election Update.

City Secretary Feutz reported that the ballot was set for the May 8, 2010 General Election, a joint election being administered by Bexar County. She reported that Mayor Riley and Councilman Reyna were running for as unopposed incumbents and Councilman Dean had two challengers - Linda Barker and Abraham Diaz.

C. Reminder of Meet the Candidates Event - April 5, 2010 - to be posted as a Special City Council Workshop Meeting with call to order and adjourn separated by the actual forum moderated by the League of Women Voters.

Mr. Lambert reported that the Meet the Candidates Forum will be held as a Special City Council Workshop Meeting to meet the Texas Open Meetings Act (TOMA) requirements. Councilman Reyna stated that the only way that this forum can be properly posted is with only asking the questions actual posted on the agenda. He explained that even if only three members are in attendance, the councilmembers will be in violation of the TOMA.

City Attorney Onion stated that he will City Attorney McKamie revisit the issue and report back to Council.

Mr. Lambert stated that he was reminded that Leon Valley Councilmembers do not have a shirt with the City logo and he asked Council if they were interested in that option. Councilmembers Reyna and Baldrige stated that they were not interested. Photos of various shirt options were shown, but no interest in pursuing the issue farther was expressed.

Citizens to be heard.

No one appeared.

Announcements.

A. Trade and Market Days and Volksmarch - March 13, 2010

Mayor Riley reported that the Trade and Market Days and Volksmarch were successful again with good turnouts.

B. VIA Bus ROADEO report (Councilmember Nelson).

Councilmember Nelson reported that although she returned as the 2009 winner, she did not win again this year, but everyone had a great time.

C. Spring Clean Up Reminder - all items must be curbside by 7 a.m. March 22, 2010

Mayor Riley reminded everyone about the bi-annual large item and brush pickup with

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Waste Management.

- D. Strategic Planning City Council Workshop - April 17, 2010 from 8:30 am - noon**
Mayor Riley announced that Council, the City Manager, members of committees, commissions, boards, the public, department directors were invited to attend this Council workshop to update the city's strategic plan. It was recommended that all of City staff be invited to attend.

Mayor Riley reminded Council of the annual volunteer appreciation event on April 14, 2010.

Councilman Reyna announced that the TML Region 7 meeting announcement had just been released. He also announced that he had been asked by Debra McCartt, Mayor of Amarillo, to be on one of four legislative policy committees, and he will be joining that committee to hear what other small cities have to say.

Adjourn.

Hearing no further business or discussion, a motion was made to adjourn the meeting by Councilman Reyna, seconded by Councilman Garcia. Mayor Riley announced the meeting adjourned at 9:18 p.m.

Mayor Chris Riley

ATTEST:

Marie Feutz
City Secretary

Approved unanimously by City Council vote at the Regular City Council Meeting of April 6, 2010